

REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Applicant notes the Examiner's minor formal objections with respect to grammatical usage in Claims 1-6 under 35 U.S.C. §112, second paragraph, and appropriate amendatory has been taken in that regard so as to render these particular grounds of rejection moot.

Applicant further notes the rejection of Claims 1, 3 and 5 under 35 U.S.C. §102(b) as being anticipated by either Nakamura, U.S. Patent No. 6,183,210; Hormann, et al., U.S. Patent No. 5,333,997; and Japanese Document No. 2001 254681 or Japanese Document no. 10 141241, as detailed in the Office Action.

Furthermore, applicant notes the rejection of Claim 2 as being unpatentable over Nakamura in view of Childress, et al., U.S. Patent No. 5,567,123, as also detailed in the Office Action.

However, applicant gratefully notes the Examiner's indication that at least Claim 4 is considered to be directed to allowable subject matter and would be allowed if rewritten either in independent form or made dependent from an allowable claim, including the incorporation of intervening claims.

Accordingly, although applicant notes the allowability of Claim 4, as detailed in the Office Action, applicant respectfully submits that Claim 1, as amended herein, is also deemed to be directed to allowable subject matter.

In particular, applicant notes that the present invention is clearly directed to the provision of a control valve for the total power, which incorporates a slidable spool in each control valve imparting control options to a power controller.

Concerning the foregoing, applicant notes that the slidable spool (85) although not verbatim referred to as such in the translation of the specification, is fully disclosed and the function thereof described in the specification and shown in the detailed drawing of Figure 2, as being contained in the control valve for each respective pump. In essence, each of the slidable spools includes at least one measuring surface enabling the control options to be imparted to the power controller, as described in the present specification, although due to the terminology employed in the translation from German, each valve slidable spool is merely referred to as a “valve piston”, as is normally acceptable in such translations, which relates to the overall structure exemplified by the slidable spool.

Regarding the foregoing, in hydraulic systems of this type, although in German the term “Ventilkolben” is frequently translated as “valve piston”, in the technological context of using industrial hydraulics, there is normally employed the term “valve spool”, particularly a slidable spool which provides for optional control features, such as a controller.

Concerning the foregoing, in order to clarify the foregoing concept, without in any manner introducing new subject matter, applicant herewith encloses a dissertation in a pamphlet entitled “Using Industrial Hydraulics” by the Technical Services Group of the Rexroth Corporation, Bethlehem, Pennsylvania, Pages 5-1 through 5-5, published in 1984. This dissertation clearly elucidates the operation of the slidable spools, as also clearly shown in the present drawing Figure 2, as also elucidated in the specification, and which is the basis of the functioning of the present total power controller for the at least two pumps, concerning which the present application is designed as being directed as an improvement over applicant’s earlier Hormann, et al., U.S. Patent No. 5,333,997, which has been cited by the Examiner.

Reverting in particular to the art, as applied by the Examiner, applicant respectfully submits that none of the references of record, irrespective as to whether considered singly or in combination, suggest the use of the sliding spool (85) in a control valve having at least one measuring surface to impart the control options to the power controller.

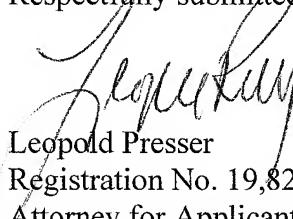
Hereby, applicant notes that Hormann, et al. merely provides for a basic device for the power control of the at least hydrostatically variable displacement pumps, but does not disclose any sliding spools for hydraulic systems.

Similarly, the Japanese publications also fail to provide for the installation of sliding spools that are uniquely employed as structures for enabling the optional controls of a power controller as well as Nakamura, which also does not in any manner provide for that type of unique structure being employed in a hydraulic system of the type described and claimed herein.

Accordingly, in view of the foregoing comments and amendments to the claims, wherein the Examiner has already indicated the allowability of Claim 4, applicant respectfully submits that also Claim 1, as amended herein, clearly and patentably distinguishes over the art, both as to structure and the unique function thereof, and the early and favorable reconsideration of the application on the basis of the foregoing amendments, and issuance of the Notice of Allowance by the Examiner is earnestly solicited.

However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



Leopold Presser
Registration No. 19,827
Attorney for Applicant

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

LP:jy
Attachment: Pamphlet